

REMARKS

Claims 1-27 are pending in this application. By this Amendment, claims 1 and 30 are amended. Support for amended claims can be found in paragraphs [0028] and [0030], for example. No new matter is added.

Claims Rejection 35 U.S.C. § 102

Claims 1-5, 10-15, 18, 20, 21 and 25-27 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Gerson et al. (hereinafter "Gerson") U.S. Patent No. 4,870,686. The rejection is respectfully traversed.

Applicants submit that Gerson fails to disclose or suggest, *inter alia*, immediately feeding back the recognition result for verification by the user, wherein the recognition result is interrupted by the user prior to being fed back for verification, as recited in claim 1.

Gerson merely discloses a user-interactive speech recognition control system for recognizing a complete sequence of key words via entering, verifying and editing available-length utterance strings separated by the user/defined placement of pulses. When a string of digits is followed by a predetermined pulse time interval, the recognized digits will be replied via a speech synthesizer (130) (Abstract).

However, the reply recognized digits of Gerson cannot be interrupted by the user prior to being fed back for verification. That is, Gerson discloses completing the completed recognized digits prior to continuing the digit sequence, rather than being interrupted by the user prior to being fed back for verification, as recited in claim 1. For at least this reason, claim 1 is patentable over Gerson

As similarly discussed above, claim 13 fails to disclose or suggest a controller for evaluating the output recognition result in feeding back the recognition result to

the user, wherein the recognition result is interrupted by the user prior to being fed back for verification.

Accordingly, Applicants submit that claims 1 and 13, and those claims dependent thereon are allowable over the prior art. Because Gerson fails to disclose each and every feature of the claimed invention, it cannot provide a basis for a rejection under 35 U.S.C. § 102. Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 7-8 and 22-23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gerson. The rejection is respectfully traversed.

The Examiner already admits that Gerson does not disclose prompting a user to input shorter speech segments upon repeated recognition errors. Yet, the Examiner alleges that “prompting a user to input easily recognized, shorter speech assignments would provide a well-known means of increasing recognition accuracy.”

Applicants submit that relying on common knowledge or common sense of a person of ordinary skill in the art, without any specific hint or suggestion of this in a particular reference, is not a proper standard for reaching a conclusion of obviousness. See *In re Sang Lee*, 61 USPQ2d 1430 (Fed Cir. 2002). Furthermore, relying on an obvious design choice as a reason for modifying the reference is again not the proper standard for obviousness. If the Examiner is relying on personal knowledge to support a finding of what is known in the art, Applicants submit that the Examiner should provide an affidavit or declaration setting forth specific factual statements and explanations to support the findings. See 37 C.F.R. § 1.104(d)(2) and MPEP § 2114.03. Accordingly, Applicants respectfully challenge the Examiner’s alleged

motivation, and request the Examiner to withdraw the rejection or to provide an affidavit or declaration as set forth above, if the rejection is to be maintained.

Accordingly, Applicants submit that claims 7-8 and 22-23 are allowable over the prior art at least for the reason that the Examiner has failed to make a proper *prima facie* case of obviousness. Withdrawal of the rejection is respectfully requested.

Claims 6, 17 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gerson in view of Hou et al. (hereinafter "Hou") U.S. Patent No. 5,325,421; claims 9 and 24 are rejected under 35 U.S.C. § 103(a) as being patentable over Gerson in view of Larson ("Investigating a Mixed Initiative Dialog Management Strategy", 1997); and claim 16 is rejected under 35 U.S.C. § 103A) as being unpatentable over Gerson in view of Ladd et al. (hereinafter "Ladd"), U.S. Patent No. 6,269,336. These rejections are respectfully traversed.

Applicants submit that the Examiner has not supplied any evidence of the requisite motivation to combine the teachings of Hou, Larsen and Ladd with the teachings of Gerson, with any expectation of success. Absent such motivation, a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established and the rejection must be withdrawn.

Accordingly, Applicants submit that claims 6, 9, 16, 17, 19 and 24 are allowable over the prior art. Withdrawal of the rejections as to these claims is respectfully requested.

For at least these reasons, Applicants respectfully submit that Gerson, Hou, Larsen and Ladd, individually, or in combination, fail to disclose or render obvious the features recited in independent claims 1 and 13. Claims 2-12 and 14-27, which depend from the respective independent claims, are likewise distinguished over the prior art for at least the reasons discussed above as well as the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration and allowance of each of claims 1-27 is earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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